

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 640

To require the President to transmit to Congress a report on every program of the Federal Government that authorizes or requires the gathering of information on United States persons in the United States, established whether in whole or in part pursuant to the “all necessary and appropriate force” clause contained in the Authorization for Use of Military Force (Public Law 107–40).

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2009

Mr. FLAKE introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To require the President to transmit to Congress a report on every program of the Federal Government that authorizes or requires the gathering of information on United States persons in the United States, established whether in whole or in part pursuant to the “all necessary and appropriate force” clause contained in the Authorization for Use of Military Force (Public Law 107–40).

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds the following:

1           (1) On September 11, 2001, foreign terrorists  
2 attacked the United States and its citizens.

3           (2) The terrorist attacks of September 11,  
4 2001, render it both necessary and appropriate that  
5 the United States exercise its right to self-defense by  
6 protecting United States citizens both at home and  
7 abroad and use “all necessary and appropriate  
8 force” as stated in the Authorization for Use of Mili-  
9 tary Force (Public Law 107–40; enacted September  
10 18, 2001) to find and catch those responsible for  
11 such terrorist attacks.

12           (3) The Government of the United States has  
13 a duty to pursue al Qaeda and other enemies of the  
14 United States with all authorized means to thwart  
15 future attacks on the United States and to destroy  
16 such enemies.

17           (4) The Authorization for Use of Military Force  
18 authorized military action against those responsible  
19 for the terrorist attacks of September 11, 2001, but  
20 did not contain legal authorization nor approval for  
21 domestic electronic surveillance not authorized by  
22 chapters 119 or 121 of title 18, United States Code,  
23 or the Foreign Intelligence Surveillance Act of 1978  
24 (50 U.S.C. 1801 et seq.), which contains provisions  
25 expressly governing their applicability during war.

1           (5) Congress reiterates that the Authorization  
2           for Use of Military Force authorized military action  
3           against those responsible for the terrorist attacks of  
4           September 11, 2001, but does not contain legal au-  
5           thorization nor approval for domestic electronic sur-  
6           veillance not authorized by chapters 119 or 121 of  
7           title 18, United States Code, or the Foreign Intel-  
8           ligence Surveillance Act of 1978 (50 U.S.C. 1801 et  
9           seq.).

10 **SEC. 2. REPORT REQUIRED.**

11           (a) IN GENERAL.—Not later than 160 days after the  
12           date of the enactment of this Act, the President shall  
13           transmit to the Committee on Foreign Affairs of the  
14           House of Representatives and the Committee on Foreign  
15           Relations of the Senate a report that identifies and in-  
16           cludes a brief description of every program of the Federal  
17           Government that authorizes or requires the gathering of  
18           information, directly or indirectly, on United States per-  
19           sons in the United States, established whether in whole  
20           or in part pursuant to the “all necessary and appropriate  
21           force” clause contained in the Authorization for Use of  
22           Military Force (Public Law 107–40).

23           (b) FORM.—The report submitted under subsection  
24           (a) may be submitted in classified form.

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